

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
NOVEMBER 11, 2003
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., John F. Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Late Arrival: Paul J. Escobar arrived at 9:08 a.m. and Jose Alexandro Lozano arrived at 9:11 a.m. Early Departure: Anthony W. Cobos left at approximately 1:05 p.m. after retiring into Executive Session. Absent: None. Meeting was called to order at 9:06 a.m. and the invocation was given by Chaplain Ellen Fenter, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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Motion by Representative Cobos, seconded by Representative Cushing and unanimously carried to suspend the Rules of Order regarding electronic voting for the remainder of the meeting.

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No action was taken on the discussion and action on the request of El Paso Bench Ads of El Paso, Inc. for an extension to its bus bench franchise which expires December 7, 2003. [David Escobar]

See the discussion under Ordinance 15603.

NOTE: This item was considered together with Ordinance amending Title 13 (Streets Sidewalks and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations), Section 13.20.110 (Bus Bench Franchises) to revise provisions related to franchise terms and delete certain civil penalties for illegal bus benches.

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Motion made by Representative Lozano, seconded by Representative Cook and unanimously carried to delete the discussion and action to create a reserved parking space for citizens in the public parking area at City Hall. [Aurelio Valdez]

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of October 1, 2002, October 8, 2002, October 15, 2002, and November 4, 2003; Special City Council Minutes of October 22, and November 3, 2003; and Legislative Review Committee Meeting of the Whole of October 31, 2003.
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*Motion made, seconded and unanimously carried to delete a Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JORGE ROBERTO CAMP LEWIS**, to assist the Economic Development Department as a International Business Specialist at a biweekly rate of \$1,615.38 for 40 hours per week. The term of the contract shall be for the period of November 17, 2003 through November 16, 2004. Contract subject to the concurrence of the Civil Service Commission.

*RESOLUTION

*RESOLUTION

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Third Amended Revolving Loan Program Agreement between and among the City of El Paso, the County of El Paso, Chase Bank of Texas, N.A., and the additional participating lenders, to establish a Joint Revolving Loan Fund ("RLF") to be administered by Chase Bank of Texas, N.A., as Program Operator. The RLF Program will utilize funds provided by the U.S. Department of Commerce Economic Development Administration ("EDA"); the Texas Office of Rural Community Affairs ("ORCA"); and, the North American Development Bank ("NADBank") under the Community Adjustment and Investment Program ("CAIP") to provide financing for businesses expanding in or relocating to El Paso. Revisions to the Program Agreement shall include availability of funds from the U.S. Environmental Protection Agency ("EPA") for the City of El Paso Brownfields Cleanup Revolving Loan Fund ("BCRLF") program; with respect to a portion of the CAIP funds, to provide for sub-awarding resources, gap financing, microlending, and buying down the cost of loans from other resources by using CAIP funds at a lower interest rate, in addition to the use of such funds within the Revolving Loan Fund, and, participation in the RLF Program by additional lending institutions.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Quality Management Plan to establish program consistency in the application of Quality Assurance (QA) practices for all Site Assessment activities conducted during the City's Brownfields Redevelopment Project as required by the EPA.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art.

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|-------------------------|---------------------------|
| Event: | Seminar |
| Licensee: | Hampton-Brown |
| Date: | November 18, 2003 |
| Time: | 4:00 - 6:30 p.m. |
| Area(s): | Auditorium & Seminar Room |
| Charge for Space: | \$700.00 |
| Charge for Staff (est): | \$90.00 |
| Charge for Insurance: | \$48.00 |

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

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|--------------------------|------------------------|
| Event: | Dinner Party |
| Licensee: | Judy Soden |
| Date: | February 13, 2004 |
| Time: | 7:00 p.m. - 10:00 p.m. |
| Area(s): | Special Events |
| Charge for Space: | \$1,500.00 |
| Charge for Staff (est.): | \$320.00 |
| Charge for Insurance: | \$150.00 |

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept, on behalf of the El Paso Museum of Archeology at Wilderness Park, a grant in the amount of \$5,000.00 from The Hervey Foundation and to sign any related contracts or other documents. The funds are granted for the purchase of a display case for the Museum. No matching funds from the City are required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a **Second Amendment** to an Agreement for Architectural Services by and between the CITY OF EL PASO and ALVIDREZ ASSOCIATES, INC., for a project known as "**Marcos B. Armijo Pool Design**" for an amount not to exceed ONE THOUSAND THREE HUNDRED TWENTY AND NO/100 DOLLARS (\$1,320.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a **Second Amendment** to an Agreement for Engineering Services by and between the City of El Paso and Dorado Engineering, Inc., for a project known as "**Retrofitting of Municipal Separate Storm Sewer System for Water Quality**" for an amount not to exceed NINE THOUSAND FOUR HUNDRED NINETY-NINE and 00/100 DOLLARS (\$9,499.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **PERLA A. MAGALLON**, to assist the Information Technology Department as a Web Site Developer at a biweekly rate of \$1,519.23 for 40 hours per week. The term of the contract shall be for the period of November 12, 2003 through November 11, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Location Agreement between the City of El Paso and KTSM TV Channel 9, a Broadcast TV Station, to have nonexclusive use, of a portion of Houston Park located at 900 Montana Avenue for two (2) days, as a filming site for the Sun Carnival Parade on November 26 and November 27, 2003.

***RESOLUTION**

WHEREAS, the City annually participates in decorating the San Jacinto Plaza in celebration of various holidays occurring during the month of December; and

WHEREAS, decorating the Plaza and celebrating the festivities of various holidays and recognizing special cultural activities that occur during the month of December unites the citizens of El Paso through the shared celebrations; and

WHEREAS, the conducting of the 12th Annual Downtown Posada Festival is one part of the celebration of the various holidays occurring during the month of December and, further, the Festival will promote cultural and entertainment activities within the City, thus benefiting the citizens of El Paso; and

WHEREAS, the City Council finds that the Downtown Posada Festival embraces a tradition that has become a popular celebration enjoyed by many people and it includes many aspects of traditional December festivities within the cultural heritage of many persons living in El Paso, including singing, dancing, the breaking of the piñata, and the partaking of special holiday foods, gathered in a family environment and conducted for entertainment purposes; and

WHEREAS, the presentation of festivals in Downtown El Paso encourages persons to come Downtown, which benefits the City and Downtown revitalization efforts.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement by and between the City of El Paso and the Central Business Association relating to the 12th Annual Downtown Posada Festival and related entertainment and cultural activities in San Jacinto Plaza on December 18, 2003, and that Representative Anthony Cobos is authorized to allocate a portion of District 8 Discretionary Funds in the amount of Five Hundred and No/100 Dollars (\$500.00) for the funding required in the Agreement.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **ROSA ISELA MORALES**, to amend the contract to make her an exempt employee under FLSA and amending Attachment A to add additional duties.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with U.S. Mexico Border Health Commission, in care of LTS Corporation to lease the company One (1) 32 Gallon Container and Six (6) 8 Gallon Baskets for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a License Agreement with the St. Pius X Catholic Church for the use of their parking lots as a drop off station for recycling, at no cost to the City.

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*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 9th day of December, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 160 Newman St., AKA 1400-1402 Myrtle Ave., in El Paso, Texas, which property is more particularly described as:

Lot: The North 100 feet of Lots 1, 2, and 3 and the North 100 feet of the West 20 feet of Lot 4, Block 33, FRANKLIN HEIGHTS ADDITION, an addition to the City of El Paso, El Paso, County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Telles Group, Inc., A Texas Corporation, 2120 Myrtle Ave., El Paso, Texas 79901, is listed as the Owner of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: River Park West Unit One
Owner/Developer: DORO Developer I, LTD.
Consultant: CEA Engineering Group

Street Improvements:

Laramie River Avenue.-from the west property line of Upper Valley Road to the northeast subdivision boundary line

Wind River Avenue.-from the west property line of Upper Valley Road to the east property line of Snowy River Place

Snowy River Place.-from the north property line of Laramie River Avenue to the northeast property line between Lots 8 and 9, Block 1

Dakota River Avenue.-from the northeast property line between Lots 8 and 9, Block 1 to the northeast subdivision boundary line

Thunder River Place.-from the south property line of Dakota River Avenue to the north property line of Laramie River Avenue

Sand River Place.-from the south property line of Dakota River Avenue to the north property line of Laramie River Avenue

Upper Valley Road.-from the southwest subdivision boundary line to the southeast subdivision boundary line

Drainage Improvements:

Retention Ponding Area.-Located at Lot 28, Block 1; 3.52 ac. Area; 13.993 ac-ft. Capacity; 2-Thrust Block Structure with Rock Rip-Rap; 35.42 ft. of 36" R.C.P.; 1-Junction Box/72" Manhole; 2068.0 ft. x 6.0 ft. Rock Wall Fence around the ponding area perimeter; and 1-Water Depth Gauge

20 ft. Drainage R.O.W.-Between Lots 26 and 27, Block 1; 210.0 ft. x 6.0 ft. high Rock Wall Fence located at the east and the west sides of the R.O.W.; 138.30 ft. x 6 ft. x 1.5 ft. Reinforced Concrete Box Culvert; and 1-18.0 ft. Double Swing Vehicular Gate

20 ft. Drainage Easement.-Between Lots 17 and 18, and between Lots 29 and 30, Block 5; 226.0 ft. x 4 ft. x 1.5 ft. Reinforced Concrete Box Culvert

20 ft. Drainage Easement.-Between Lots 8 and 9, Block 1, 1-Junction Box/72" Manhole; and 179.01 ft. of 36" R.C.P.

Storm Drainage System.-

Located at Laramie River Avenue; 2-1 Grate Drop Inlet Type I; and 36.0 ft. of 18" R.C.P.

Located at Wind River Avenue; 1-1 Grate Drop Inlet Type I; 1-2 Grate Drop Inlet Type II; and 36.0 ft. of 30" R.C.P.

Located at Dakota River Avenue; 1-2 Grate Drop Inlet Type I; 1-1 Grate Drop Inlet Type I; 18.0 ft. of 24" R.C.P.; 18.0 ft. of 18" R.C.P.; 148.61 ft. of 30" R.C.P.; and 1-Junction Box/72" Manhole

NOTE: Request was revised to change the Consultant name from "MCI Engineering" to "CEA Engineering Group".

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*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

A. Cashier II (3)

B. Customer Accounts Tax Clerk II (2)

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*Motion made, seconded and unanimously carried to postpone one (1) week the Staffing Table Change for Mayor & Council

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|--------|------|--------------------------|------|
| Delete | 1.00 | Secretary III | GS19 |
| Add | 1.00 | Administrative Assistant | GS23 |
| Delete | 1.00 | Secretary I | GS13 |
| Add | 1.00 | Secretary III | GS19 |

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*Motion made, seconded and unanimously carried to remove Alejandro A. Sanchez from the Mayor's Advisory Board on Aging by Representative Paul J. Escobar, District 6.

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*Motion made, seconded and unanimously carried to delete the nomination of Walter Tippin, D.D.S., to the El Paso City-County Board of Health by Representative Jose Alexandro Lozano, District 3. Appointment contingent on nomination by El Paso Dental Society.

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*Motion made, seconded and unanimously carried to appoint Martin Alfarez to the Enterprise Community Coordinating Committee by Mayor Pro Tempore Anthony W. Cobos, District 8.

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*Motion made, seconded and unanimously carried to appoint Cynthia A. Foght to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Vivian Rojas, District 7.

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*Motion made, seconded and unanimously carried to postpone one (1) week the installation of guardrail post at 7671 Franklin Rd. Cost is \$490.14

NOTE: Request was revised due to wrong heading under Residential Street Light instead of guardrail.
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*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #'s C050-999-0860-9100 & C050-999-0860-9101, \$854.15 per month installments on a balance of \$3,416.60 for 2000, 2001 & 2002 taxes; Luis R. Valentino - 722 Mesa.
- B. PID #C741-999-0060-4000, \$223.36 per month installments on a balance of \$2,680.32 for 2001 & 2002 taxes; Hector & Maria Zaragoza – 10089 Manitoba St.
- C. PID #H801-999-0040-1501, \$297.53 per month installments on a balance of \$2,677.77 for 2001 & 2002 taxes. Deborah Rose – 11871 Silverberry.
- D. PID #1998-999-0840-0042, \$378.19 per month installments on a balance of \$2,647.33 for 1999 & 2000 taxes. Double G % Gilberto Gandara - 1815 Trawood.
- E. PID #T527-999-0080-4600, \$188.84 per month installments on a balance of \$2,266.08 for 2001 & 2002 taxes. Manuel Rodriguez – 5034 Rutherford Dr.

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*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Wells Fargo Real Estate Tax Services, LLC in the amount of \$5,206.49 overpayment of 2002 taxes. (PID #C340-999-0780-5300)
- B. Wells Fargo Real Estate Tax Services, LLC in the amount of \$3,030.15 overpayment of 2002 taxes. (PID #C518-999-1070-4900)
- C. Marcelo V. Rosales in the amount of \$3,710.94 overpayment of 2002 taxes. (PID #I256-999-0250-0300)
- D. Deborah Apodaca Graham in the amount of \$3,647.19 overpayment of 2001 & 2002 taxes. (PID #C518-999-0560-0700)

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*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for One additional year, from December 12, 2004 to December 11, 2005 pursuant to the provisions of Contract #2002-041 with Main Auto Parts, El Paso, Texas for Electrical Components & Related Parts.

Option No.: One (of One)
Department: Fleet Service
Funds available: 37370155-503121
Funding source: Fleet Service Internal Fund
Amount of award: \$15,000.00 (estimated annually)

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*Motion made, seconded and unanimously carried to delete Bid No. 2004-001 Security Guard Service El Paso Main Library and Library Branches

Award to: Initial Security
Houston, TX
Item (s): All
Amount: \$251,443.92 (estimated annually)

Department: Municipal Services – Building Maintenance
Funds available: 31010326-502212
Funding source: General Funds, Security Contracts, Building Maintenance
Total award: \$754,331.76

Municipal Services, Maintenance Division, Library Department and Purchasing recommend award as indicated as this vendor has provided the Best Value Bid.

This is a thirty-six (36) month contract with no option to extend the term of this contract. Contract period December 1, 2003 through November 30, 2006.

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*Motion made, seconded and unanimously carried to award Bid No. 2003-199 EPIA Fixed Base Operators Ramp & NASA Apron

Contractor: J.A.R. Concrete, Inc.
El Paso, Texas

Department: El Paso International Airport
Funds Available: 62620024/PAP0019/41054/508027
Funding Source: EPIA Funds
Items: Base Bid I \$4,551,233.00
Base Bid II \$ 188,762.50
Alternate I-A \$ 362,932.50
Alternate I-C \$ 295,800.00
Total Award: \$5,398,728.00

The Departments of Purchasing, Engineering and El Paso International Airport recommend the award of this contract to J.A.R. Concrete, Inc. the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-068 AIRPORT
Transfer of funds to cover acquisition of jetway extensions to accommodate loading and unloading of regional jets.

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|----------|---------|----|------------------------------|----------------|
| Increase | \$5,000 | to | 62620020/P50000441022/508008 | Maj Office Eq |
| Increase | \$5,000 | to | 62620020/P50000441022/407001 | Intrfd Trf In |
| Increase | \$5,000 | to | 62620018/P50000241021/407002 | Est Revenue |
| Increase | \$5,000 | to | 62620018/P50000241021/507001 | Intrfd Trf Out |
| | | | | |

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-069 AIRPORT Transfer of funds to cover acquisition of parking stickers for security areas. Stickers were ordered during prior fiscal year, but not received until this fiscal year. Insufficient appropriation exists this fiscal year.

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|----------|---------|----|------------------------------|------------------|
| Increase | \$3,000 | to | 62620002/40101/503122 | Miscel Maint Sup |
| Increase | \$3,000 | to | 62620002/40101/407001 | Intrfd Trf In |
| Increase | \$3,000 | to | 62620018/P50000241021/407002 | Est Revenue |
| Increase | \$3,000 | to | 62620018/P50000241021/507001 | Intrfd Trf Out |

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-091 AIRPORT Transfer of funds to cover cost of professional services to assist in the preparation and submission of an expansion of the Foreign Trade Zone to include the Global Reach Industrial Park.

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|----------|----------|----|------------------------------|------------------|
| Increase | \$13,200 | to | 62620039/40101/502215 | Outside Cont NOC |
| Increase | \$13,200 | to | 62620039/40101/407001 | Intrfd Trf In |
| Increase | \$13,200 | to | 62620018/P50000241021/407002 | Est Revenue |
| Increase | \$13,200 | to | 62620018/P50000241021/507001 | Intrfd Trf Out |

*Motion made, seconded and unanimously carried to approve the request of City of El Paso, Parks & Recreation/Aquatics, to hold a holiday light parade on December 6, 2003, from 6:00 p.m. to 8:30 p.m. Route: Parade will flow on Mills, turn north on Campbell, west on Main, south on Oregon, east on Mills past Campbell and disperse as it was staged using Virginia, Ochoa, etc. Approximately 400 persons, 50 vehicles, 10 animals, 15 floats, and 30,000 spectators are anticipated. This request includes permission to use amplification (entertainment by participants). PERMIT NO. 03-176 [Karen Fuller]

*Motion made, seconded and unanimously carried to approve the request of Gloria Tarango to block off 4500 block of Vulcan on Clio on December 14, 2003 from 5:00 p.m. to 7:00 p.m. for a block party (matachines). Approximately 15 persons will take part and 300 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." This request includes permission to use amplification (1 speaker). PERMIT NO. 03-177 [Gloria Tarango]

Motion made by Representative Power, seconded by Representative Cobos and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An ordinance amending ordinance 8065, Civil Service Rules and Regulations, Rule 8, Applications, to allow late applications to be filed when good cause exists for the late filing.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 25, 2003 FOR ITEM A

- B. An Ordinance changing the zoning of a Portion of Tracts 10-E, 10-F and 11-D, Section 36, Block 80, Township 2, Texas & Pacific Railway Company Surveys, El Paso, El Paso County, Texas (11248 Montana Avenue) from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00045. Applicant: Javier Ventura/ Representative: Ari Boureslan, P.E., 3616 McRae, Suite A, El Paso, TX 79925.
- C. An Ordinance granting Special Permit No. ZON03-00042 to satisfy parking requirements for Parcel 1, described as Block 91, Alexander Addition, and Parcel 2, described as Block 90, Alexander Addition, both in El Paso, El Paso County, Texas, by allowing off-site, off-street parking on Parcels 3 - 7, described as follows: Parcel 3, described as Lots 11-20, Block 77, Alexander Addition; Parcel 4, described as the North 18 Feet of Lot 3, Lots 4 - 8 and the South 2 Feet of Lot 9, Block 77, Alexander Addition; Parcel 5, described as Lots 11 - 20, Block 46, Alexander Addition; Parcel 6, described as Lots 1-10, Block 78, Alexander Addition; and Parcel 7, described as Lots 9-12, inclusive together with an alley located adjacent to and between Lots 9 & 10 and 11 & 12, Block 79 and the land located adjacent

to and between Lots 11 & 12, Block 79 and Lots 9 & 10, Block 80, Alexander Addition and Lots 9-12, inclusive together with an alley located adjacent to and between Lots 9 & 10 and 11 & 12, Block 80 and Lots 9-12, inclusive together with an alley located adjacent to and between Lots 9 & 10 and 11 & 12, Block 81, all in El Paso, El Paso County, Texas, pursuant to Section 20.52.060 and Section 20.24.040 of the El Paso Municipal Code. ZONE: S-D (Special Development) and A-3/sp (Apartment/special permit). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: HCA Health Services of Texas, Inc. dba Las Palmas Medical Center/ Representative: CSA Consulting Engineers, 1845 Northwestern Drive, Suite C, El Paso, TX 79912.

- D. An Ordinance changing the zoning of a portion of Block A, Milagro Hills Addition, El Paso, El Paso County, Texas (5246 Rushing Road) from C-1 (Commercial) to C-3 (Commercial) and imposing certain conditions. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Joyce F. Jaffee / Representative: Quantum Engineering Consultants, Inc.; 414 Executive Center Boulevard, Suite 105, El Paso, TX 79902. ZON03-00057.
- E. An Ordinance changing the zoning of a portion of Tracts 3A and 4A, S.A. & M.G. Railway Co. Survey No. 266, El Paso, El Paso County, Texas (Montoya Lane and Ethel Road) from R-3 (Residential) to R-5 (Residential). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Roma Grove / Representative: Conde, Inc.; 1790 Lee Treviño Drive, Suite 400, El Paso, TX 79936. ZON03-00058.
- F. An Ordinance changing the zoning of a portion of Lots 1, 4, and 5, Block 1, Farah Subdivision, El Paso, El Paso County, Texas (8889 Gateway West Boulevard) from M-1 (Light Manufacturing) to C-4 (Commercial). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Far Pass Realty Associates, Ltd. / Representative: Conde, Inc.; 1790 Lee Treviño Drive, Suite 400, El Paso, TX 79936. ZON03-00059.
- G. An Ordinance granting Special Permit No. ZON03-00039, to allow for a ground-mounted radio broadcasting antenna support structure with antennas and equipment storage facilities on a portion of Tracts 53 and 54, Valley Gate Subdivision, El Paso, El Paso County, Texas (275 Springfield Street) pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: McClatchey Broadcasting / Representative: Arnold McClatchey, 6900 Commerce, El Paso, TX 79915.

PUBLIC HEARING WILL BE HELD ON DECEMBER 2, 2003 FOR ITEMS B – G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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 *Motion made, seconded and unanimously carried to delete the request for the Director of Purchasing to reject all bids submitted for Bid Number 2003-199, EPIA Fixed Base Operators Ramp & NASA Apron. The Purchasing Department and the El Paso International Airport recommend re-bidding. This item will re-bid with revised specifications.

Department: El Paso International Airport

RESOLUTION

WHEREAS, the City of El Paso desires to provide recreational facilities to its citizens and has recognized a need for the use of a soccer complex on the property of Fort Bliss; and

WHEREAS, Fort Bliss has land located on Biggs Army Airfield which is not currently needed in the performance of its mission and which is available for a soccer complex; and

WHEREAS, the City and Fort Bliss recognize that an agreement for the joint use of the proposed soccer fields at Biggs Park would provide a health and recreational benefit to the citizens of El Paso and to the Fort Bliss community;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Agreement between the City of El Paso and the U.S. Army Air Defense Artillery Center and Fort Bliss providing for the construction and maintenance by the City of a soccer complex on property owned by Fort Bliss at Biggs Park and the joint use of such complex by the citizens of El Paso and the personnel of Fort Bliss, subject to environmental clearance for the project and negotiation of a lease agreement for the property.

Representative Power thanked the Parks and Recreation Department and Fort Bliss personnel for their expertise and patience in seeing this project through to fruition.

Mayor Wardy commented on the importance of the project.

Mr. Ray Cox, Director of Parks and Recreation, explained that the project was a joint venture between the City of El Paso and Fort Bliss to develop 90 acres, 30 acres initially, of soccer fields, parking, and a concession area. He answered questions from and responded to comments made by the Council Members.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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No action was taken on the discussion and action to direct the Department of Planning, Research and Development and the City Attorney's Office to review and amend City Code Section 20.62.010, Nonconforming Lots to "A single {or two} family dwelling may be erected on a lot even though of less width or area than required by the regulations for the district in which it is located, if such lot was separately owned at the time when any zoning restrictions as to its required width or area (whether under this title or any other ordinance or amendment) first became effective {Delete remainder of text}.

Representative Lozano provided information.

Ms. Pat Adauto, Deputy CAO of Building and Planning Services, commented on Section 20.62.010's application and on the staff's alternate proposal regarding in-fill development and overlay designation.

Representative Austin asked questions of Ms. Adauto regarding the City Planning Commission's involvement in the process.

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No action was taken on the discussion and action to convene the Border Relations Commission and discuss bi-national problems affecting El Paso and Juarez.

Representative Lozano commented on his reasoning for placing this item on the Agenda and the importance of the Commission on Border Relations.

Representatives Cushing and Austin made remarks.

Mayor Joe Wardy commented on the committee's ability to make recommendations to the Council that may or may not be acted upon.

Ms. Lisa A. Elizondo, City Attorney, requested that Council Members take no action due to issues pertaining to the posting of the item.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Government Agreement by and between the City of El Paso and the El Paso County Community College District, a political subdivision of the State of Texas, for the implementation of a program whereby individuals with severe disabilities, selected and trained by El Paso County Community College District, have an opportunity for productive employment as contract employees with the City of El Paso.

Representative Power explained the rationale for placing the item on the Agenda.

Mr. Eric Reed, Chairman of the Mayor's Accessibility Committee, commented on the importance of this interlocal agreement and the choice of El Paso County Community College District as the school partner.

Representatives Cook and Cushing asked questions of Representative Power and commented.

Ms. Lupe Cuellar, Assistant City Attorney, commented on Section 6.6-5 of the City Charter and noted that the Interlocal Government Agreement would not be in conflict with Section 6.6-5.

Motion made by Representative Power, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

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No action was taken on the discussion and action on the development of a City fairground and/or fiesta park.

Representative Power explained that following a Parks and Recreation Legislative Review Committee meeting, it was decided that City staff would investigate possible sites and funding sources that would alleviate further damage to City parks. He suggested the 92 acres donated by the YMCA on the far east side of El Paso.

Representatives Lozano, Escobar, Rojas and Cook provided comments.

Mayor Joe Wardy stated that he had instructed the Planning, Research and Development staff to review other cities fairground facilities and to suggest possible sites within the City.

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*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on changing Section 9 of the Rules of Order for City Council Meetings to provide that on matters not otherwise covered by the Council Rules, Roberts Rules of Order, Revised shall control parliamentary procedure in City Council meetings.
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No action was taken on the presentation by Ms. Carolyn Moore, Economic Development's Tourism Program Coordinator, on the City's Tourism Incentive Package.

Ms. Carolyn Moore, Tourism Program Coordinator, gave Council Members an update following the August 19th, 2003 City Council Agenda item: Discussion and action on developing an economic incentive package for the purpose of promoting tourism venues & attracting a destination attraction in El Paso. She displayed a document utilizing the overhead for Council Members' information and answered questions from and responded to comments made by the Council Members (presentation on file in the City Clerk's Office).

Mr. Mike Breiting, Executive Director El Paso Central Business Association/El Paso Downtown Management District, explained that the Downtown Management District would submit to the Council, in the near future, a draft plan of what downtown El Paso would look like "when it grew up". He answered questions from and responded to comments made by the Council Members.

Mayor Joe Wardy alluded to a major downtown project currently in negotiations.

Representative Austin requested that incentive packages be proposed that would entice big businesses to the area.

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*Motion made, seconded and unanimously carried to postpone four (4) weeks an Ordinance changing the zoning of a Portion of Lot 3, Block 46, Sun Ridge Unit 12, El Paso, El Paso County, Texas (Zaragoza Road & Sun Fire Blvd.) from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) and imposing certain conditions. The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00032. Applicant: E.P. Summit Investments, L.P./ Representative: David Etzold, 201 East Main, Suite 103, El Paso, TX 79901.
.....

ORDINANCE 15601

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON03-00029, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 1A5, SECTION 45, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (PEBBLE HILLS BOULEVARD EAST OF JOE BATTLE BOULEVARD) PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, explained the Special Permit request for Council Members and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Representative Cushing was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance vacating a portion of a sixteen foot wide alley within Block 91, Alexander Addition, City of El Paso, El Paso County, Texas.

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ORDINANCE 15602

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING AN EASEMENT LOCATED WITHIN A PORTION OF A 16-FOOT WIDE ALLEY (VACATED), BLOCK 91, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS.**

Mr. Rudy Valdez, Chief Urban Planner, explained that the easement was necessity for the Las Palmas facility expansion and noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) recommended approval. He added that notices were not sent to the residents, as it was not a requirement for an alley vacation.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15603

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.20 (MISCELLANEOUS STREET AND SIDEWALK USE REGULATIONS), SECTION 13.20.110 (BUS BENCH FRANCHISES) TO REVISE PROVISIONS RELATED TO FRANCHISE TERMS AND DELETE CERTAIN CIVIL PENALTIES FOR ILLEGAL BUS BENCHES.**

Mr. Luther Jones, attorney representing Bench Ads of El Paso, requested that the Ordinance language be revised and answered questions from and responded to comments made by the Council Members.

Mr. Raymond Telles, Assistant City Attorney, explained the revised Ordinance language.

Representatives Cushing, Cook, Power, Cobos, Austin, Lozano commented.

Ms. Theresa Caballero, attorney representing Southwest Bench Ads, commented.

Ms. Lisa A. Elizondo, City Attorney, provided legal advice.

Mr. Otto Maser, Maser Bench Ads, commented.

Mr. Said Larbi-Cherif, Interim Director of Building Permits and Inspections, explained that in year 2002 the Department conducted a sweep of bus bench locations and that those complaints had been addressed. He mentioned that the four bus bench companies were currently in compliance.

Mr. Joe Oliva, Southwest Bench Ads, commented.

Motion made by Representative Cushing, seconded by Representative Lozano and carried to amend Item #1 of Ordinance 15113 and to strike the following language: "beyond the original term".

Item #1 of Ordinance 15113 was read into the record by Richarda Duffy Momsen, City Clerk, before taking the vote:

Each franchise shall be limited to no more than ten (10) years in length. If Grantee is not in default of the terms hereof, Grantee may, at the city's option, extend the franchise for a term of (10) additional years upon such additional terms and conditions required by the city, by delivering to the Mayor a written request no later than ninety (90) days before the term of the original franchise expires.

AYES: Representatives Cushing, Lozano, Escobar, Cobos and Mayor Wardy
NAYS: Representatives Austin, Cook, Power and Rojas
Mayor Wardy voted AYE to break the tie.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to amend Sections 1D4 and B3 of Ordinance 15113 to read as follows:

Section 1D4: A civil penalty of three hundred and 00/100 dollars (\$300.00) shall be imposed upon each illegally placed bench and all other franchise violations not rectified within five (5) consecutive calendar days.

Section B3: Strike the existing language, replace it with the word "Reserved".

.....
RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 7734 Hermosillo Drive, in El Paso, Texas, which property is more particularly described as follows:

Lot: 27, Block 12, Hacienda Heights Subdivision Unit Two, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 3, Page 50, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Ernesto Mendoza and Guadalupe G. Mendoza, 7734 Hermosillo Drive, El Paso, Texas 79915, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on November 11th, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and

- c. The structure's certificate of occupancy is hereby revoked; and
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the rear porch and the roof over the electric service entrance be demolished within 30 days; and
 - b. That the structure and premises be secured from unwanted entry within 30 days and maintained secure; and
 - c. That the metal storage container on the side of the house be removed or relocated to the rear yard; and
 - d. That the premises be cleaned of all weeds, trash and debris within 30 days; and
 - e. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - f. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - g. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and that the rear porch and the roof over the electric service entrance be demolished, and that the metal storage container on the side of the house be removed or relocated to the rear yard and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and that the rear porch and the roof over the electric service entrance be demolished, and the metal storage container on the side of the house be removed or relocated to the rear yard and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and for demolishing the rear porch and the roof over the electric service entrance, and removing or relocating the metal storage container to the rear yard and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing and maintaining the Building secure and for demolishing the rear porch and the roof over the electric service entrance, and removing or relocating the metal storage container to the rear yard and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and

7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Wayne Fannin, Building Permits and Inspections, presented the case to Council Members and gave the Department's recommendations.

Motion made by Representative Lozano, seconded by Representative Escobar and unanimously carried to accept the Department's recommendations. Representative Austin was not present for the vote.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to reconsider the above Resolution to ask for public comment.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Lozano, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Representative Austin was not present for the vote.

..... RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 8102 Tigua Circle, in El Paso, Texas, which property is more particularly described as follows:

Lot: 2, Block 3, Tigua Place, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 8, Page 49, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Guadalupe V. Gomez, Ave. Ferrocarril, 675 Col. Los Reyes, San Luis Potosi, Mexico 78170, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on November 11th, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash, debris, and accumulations within (30) days; and
 - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - d. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, debris and accumulations; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, debris and accumulations at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash, debris and accumulations; and
5. That the costs incurred by the City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash, debris and accumulations shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and

7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Wayne Fannin, Building Permits and Inspections, presented the case to Council Members and gave the Department's recommendations.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to accept the Department's recommendations.

Representative Austin was not present for the vote.

ADDITION TO THE AGENDA

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Resolution authorizing the Mayor to sign a **Second Amendment** to the **Planning & Project Management Services Agreement** by and between the CITY OF EL PASO and PERSPECTIVA + 3D/INTERNATIONAL - A Joint Venture, in connection with the 2000 Quality of Life Bond Issue Program, by amending the remaining work program, adjusting the fee for services, adding the schedule of values, and other related issues.

Ms. Patricia Adatao, Deputy CAO for Building and Planning Services, explained the Second Amendment to the Planning & Project Management Services Agreement language and answered questions from and responded to comments made by the Council Members.

Representatives Cook and Austin asked questions of City staff.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Presentation of Plaque from the Texas Chapter of the American Public Works Association to Mr. Edward Drusina.

Representative Cook explained that the Texas Chapter of American Public Works Associations had recognized Mr. Drusina as the 2003 Public Works Leader of the Year.

No action was taken on the presentation of Plaque from the Texas Chapter of the American Public Works Association to Mr. Edward Drusina.

Motion made by Representative Escobar, seconded by Representative Power and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:17 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- A. Jose A. Aguilar, 03-C-127 (551.071)**
- B. Hector Lopez and Maria Isabel Lopez vs. City of El Paso, et, al., Cause No. 2002-5721, Our File No. 03-S-01 (551.071)**
- C. Discussion and action on indemnification language in City Contracts. (551.071)**
- D. Richard Chatterton, Jr., 03-C-283 (551.071)**
- E. Isabel Burke and Cecilia Aguirre vs. City, EP-03-CA-0426-FM, Our File No. 03-S-52 (551.071)**
- F. To hire attorney for representation in the following bankruptcy proceeding: In Re: JGW Food Systems, Inc. d/b/a Welsh's Food Plaza; Case No. 03-32427-LEK (551.071)**
- G. Petition of El Paso Electric Company to Reconcile Fuel Costs, P.U.C. Docket No. 26194, SOAH Docket No. 473-03-0278, Public Utility Commission of Texas, and related fuel matters concerning El Paso Electric Company. (551.071)**

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session at 1:17 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried that the claim entitled **Jose A. Aguilar, Our File No. 03-C-127** be **DENIED** as recommended by the City Attorney.

Representative Cobos was not present for the vote.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **Hector Lopez and Maria Isabel Lopez vs. CITY OF EL PASO, et al; Cause No. 2002-5721; Our File No. 03-S-01**, as recommended by the City Attorney.

Representative Cobos was not present for the vote.

Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried to postpone two (2) weeks the following executive session item: Discussion and action on indemnification language in City Contracts. (551.071)

Representative Cobos was not present for the vote.

Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the claim entitled **Richard Chatterton, Jr.; Our File No. 02-C-283**, as recommended by the City Attorney.

Representative Cobos was not present for the vote.

Motion made by Representative Escobar, seconded by Representative Cushing and carried that the City Attorney be **AUTHORIZED TO DENY SERVICE OF PROCESS** in the lawsuit entitled **Isabel Burke and Cecilia Aguirre vs. CITY OF EL PASO; Cause No. EP-03-CA-0426; Our File No. 03-S-52**, as recommended by the City Attorney.

AYES: Representatives Cushing, Lozano, Cook, Power and Rojas
NAYS: Representatives Austin and Escobar
NOT PRESENT: Representative Cobos

No action was take on the following executive session item: Discussion and action to hire attorney for representation in the following bankruptcy proceeding: In Re: JGW Food Systems, Inc. d/b/a Welsh's Food Plaza; Case No. 03-32427-LEK. (551.071)

No action was take on the following executive session item: Discussion and action on the petition of El Paso Electric Company to Reconcile Fuel Costs, P.U.C. Docket No. 26194, SOAH Docket No. 473-03-0278, Public Utility Commission of Texas, and related fuel matters concerning El Paso Electric Company. (551.071)

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to adjourn this meeting at 1:22 p.m.

Representative Cobos was not present for the vote.

APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk